

PCT

Docket 56550-7



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re:

Applicant: SCHMUTZ, Sheila Marie

Group Art Unit: Not Yet Known

Serial No.: 10/565,278

Examiner: Not Yet Known

Filed: July 20, 2004

For: "IMPROVING PRODUCTION CHARACTERISTICS OF CATTLE"

Honourable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
U.S.A.

Sir:

**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE**

In response to the NOTIFICATION OF DEFECTIVE RESPONSE dated August 17, 2006, please find enclosed:

1. A copy of the Notice dated August 17, 2006.
2. A Request for an Extension of Time under 37 CFR 1.136(a) of three months to extend the period for response set in the Notification of Missing Requirements dated May 2, 2006.
3. A copy of the Notice dated May 2, 2006.
4. A new Sequence Listing.
5. Please charge any additional fees or credit any overpayment associated with this submittal to our Deposit Account No. 02-2057.

**REMARKS**

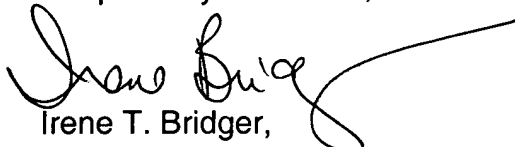
Please cancel the Sequence Listing presently on file and substitute therefore the new Sequence Listing submitted herewith.

I hereby state that the information recorded in computer readable form is identical to the written sequence listing.

I hereby state that the submission does not include new matter.

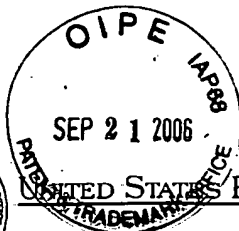
Favorable consideration is respectfully requested.

Respectfully submitted,

  
Irene T. Bridger,  
Registration No. 53,914

BENNETT JONES LLP  
4500 Bankers Hall East  
855 – 2<sup>nd</sup> Street SW  
Calgary, Alberta  
CANADA T2P 4K7  
(403) 298-8157

Date: Sept 20, 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/565,278	Sheila Marie Schmutz	56550-7

23971  
 BENNETT JONES  
 C/O MS ROSEANN CALDWELL  
 4500 BANKERS HALL EAST  
 855 - 2ND STREET, SW  
 CALGARY, AB T2P 4K7  
 CANADA

RECEIVED  
 SEP - 5 2006

INTERNATIONAL APPLICATION NO.	
PCT/CA04/01039	
I.A. FILING DATE	PRIORITY DATE
07/20/2004	07/22/2003

CONFIRMATION NO. 7966  
 371 FORMALITIES LETTER



\*OC000000020062276\*

Date Mailed: 08/17/2006

### NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 01/20/2006
- Copy of the International Search Report filed on 01/20/2006
- Preliminary Amendments filed on 06/30/2006
- Biochemical Sequence Diskette filed on 06/30/2006
- Oath or Declaration filed on 06/30/2006
- Biochemical Sequence Listing filed on 01/20/2006
- U.S. Basic National Fees filed on 01/20/2006
- Priority Documents filed on 01/20/2006
- Specification filed on 01/20/2006
- Claims filed on 01/20/2006
- Abstracts filed on 01/20/2006
- Drawings filed on 01/20/2006

Applicant's response filed 06/30/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 05/02/2006 have not been completed.

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR

DOCKETED

**1:136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

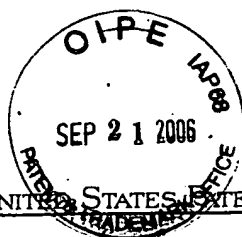
PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/565,278	PCT/CA04/01039	56550-7

FORM PCT/DO/EO/916 (371 Formalities Notice)



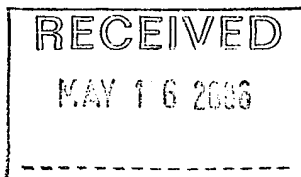
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/565,278	Sheila Marie Schmutz	56550-7

INTERNATIONAL APPLICATION NO.	
PCT/CA04/01039	
I.A. FILING DATE	PRIORITY DATE
07/20/2004	07/22/2003

23971  
 BENNETT JONES  
 C/O MS ROSEANN CALDWELL  
 4500 BANKERS HALL EAST  
 855 - 2ND STREET, SW  
 CALGARY, AB T2P 4K7  
 CANADA



CONFIRMATION NO. 7966  
 371 FORMALITIES LETTER



\*OC000000018659873\*

Date Mailed: 05/02/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 01/20/2006
- Copy of the International Search Report filed on 01/20/2006
- Biochemical Sequence Listing filed on 01/20/2006
- U.S. Basic National Fees filed on 01/20/2006
- Priority Documents filed on 01/20/2006
- Specification filed on 01/20/2006
- Claims filed on 01/20/2006
- Abstracts filed on 01/20/2006
- Drawings filed on 01/20/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu

DOCKETED

of a new CRF.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/565,278	PCT/CA04/01039	56550-7